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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
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(TYPE OR PRINT) Kathy TaylorSIGNATURE Kathy Taylor

Attorney Docket No.: PG3717

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Catchpole, et al.

July 17, 2002

Serial No.: 10/019,800

Group Art Unit No.: Unknown

Filed: January 4, 2002

Examiner: Unknown

For: DNA Constructs Based On The eIF4A Gene Promoter

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825****BOX SEQUENCE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

- ( X ) I hereby state that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with **37 CFR §1.821(c)** and **(e)**, respectively, are the same.
- ( ) I hereby state that the submission filed in accordance with **37 CFR §1.821 (g)** does not include new matter.
- ( ) I hereby state that the submission filed in accordance with **37 CFR §1.821 (h)** does not include new matter or go beyond the disclosure in the international application as filed.
- ( ) I hereby state that the amendments, made in accordance with **37 CFR §1.825 (a)**, included in the substitute sheet(s) of the Sequence Listing are supported in the application, as filed, at pages \_\_\_\_\_. I hereby state that the substitute sheet(s) of the Sequence Listing does (do) not include new matter.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing.

Serial No.: 10/019,800  
Group Art Unit No.: Unknown

- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(d)**, is identical to that originally filed.

Respectfully submitted,



William R. Majarian  
Attorney for Applicants  
Registration No. 41,173

GLAXOSMITHKLINE  
Corporate Intellectual Property - UW2220  
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Document4

#5

Form PTO 1390, U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93)		ATTORNEY'S DOCKET NUMBER <b>PG3717</b>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/019,800</b>
INTERNATIONAL APPLICATION NO. <b>PCT/GB00/02569</b>	INTERNATIONAL FILING DATE <b>05 July 2000</b>	PRIORITY DATE CLAIMED <b>06 July 1999</b>
TITLE OF INVENTION <b>DNA Constructs Based On The eIF4A Gene Promoter</b>		
APPLICANT(S) FOR DO/EO/US <b>Ian Richard CATCHPOLE, Martin James FORD, David Robert GREAVES, and Lindy THOMSEN</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**


11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ Please amend the specification by inserting before the first line the sentence:
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ An Abstract on a separate sheet of paper.
19. ☒ Other items or information: Sequence Listing.

US APPLICATION NO. (if known see 37 CFR 1.50) <b>09/077,263</b>		INTERNATIONAL APPLICATION NO. <b>PCT/GB00/02569</b>		ATTORNEYS DOCKET NO. <b>PG3717</b>	
20. <input checked="" type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
( ) one month extension..... \$ 110 ( ) two months extension..... \$ 400 (x) three months extension..... \$ 920 ( ) four months extension (not beyond statutory time period)..... \$1,440 ( ) fifth month extension..... \$1,960				<b>\$920.00</b>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$920.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than o 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$130.00</b>	
Claims	Number Filed	Number Extra	Rate		
Total claims	- 20 =	0	0 x \$18.00	<b>\$0.00</b>	
Independent claims	- 3 =	0	0 x \$84.00	<b>\$0.00</b>	
Multiple dependent claims (if applicable)			+ \$280.00	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1050.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				<b>\$</b>	
<b>SUBTOTAL =</b>				<b>\$1050.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than o 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				<b>\$</b>	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1050.00</b>	
				Amount to be refunded	\$
				charged	\$

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2570 in the amount of **\$1,050.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2570. A duplicate copy of this sheet is enclosed.
- d. ☒ General authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application. (37 CFR 1.136 (a)(3)).

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**  
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 Facsimile (610) 270-5090

  
 SIGNATURE  
 William R. Majarian  
 NAME  
 41,173  
 REGISTRATION NO.

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07/22/2002 920.00 CH  
 07/22/2002 130.00 CH



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.govPage 1 of 2  
cc: MJWD

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,800	Ian Richard Catchpole	PG3717

INTERNATIONAL APPLICATION NO.
PCT/GB00/02569

LA. FILING DATE	PRIORITY DATE
07/05/2000	07/06/1999

WRM

20462

SMITHKLINE BEECHAM CORPORATION  
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P. O. BOX 1539  
KING OF PRUSSIA, PA 19406-0939

CONFIRMATION NO. 7658

## 371 FORMALITIES LETTER



\*OC000000007605091\*

Date Mailed: 03/13/2002

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

2002 MAR 19 P 2:09

RECEIVED  
SMITHKLINEThe following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,800	PCT/GB00/02569	PG3717

#5

PATENT

ATTORNEY'S DOCKET NUMBER PG3717

TRANSMITTAL LETTER TO THE U.S. DESIGNATED/ELECTED OFFICE  
(DO/EO/US) – CONCERNING A FILING UNDER 35 U.S.C 371

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INTERNATIONAL APP. NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/GB00/02569	05 July 2000	06 July 1999

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## TITLE OF INVENTION

DNA Constructs Based On The eIF4A Gene Promoter

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## APPLICANT(S) FOR DO/US

Ian Richard CATCHPOLE, Martin James FORD, David Robert GREAVES, and Lindy THOMSEN

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Box PCT

Assistant Commissioner for Patents

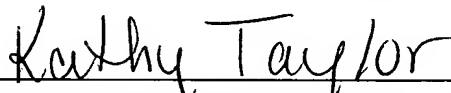
Washington, D.C. 20231

ATTENTION: DO/US

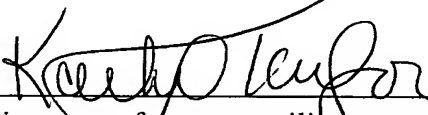
## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date July 17, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label

Number EV104999109US addressed to the: Assistant Commissioner for Patents,  
Washington, D.C. 20231.



(Typed or printed name of person mailing paper)



(Signature of person mailing paper)



20462

PATENT TRADEMARK OFFICE